



# House of Representatives

**File No. 847**

General Assembly

January Session, 2001

**(Reprint of File No. 589)**

Substitute House Bill No. 6652  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 31, 2001

## **AN ACT CONCERNING REVISIONS TO THE CHILD PROTECTION LAWS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (f) of section 17a-28 of the general statutes is  
2 repealed and the following is substituted in lieu thereof:

3 (f) The commissioner or [his] the commissioner's designee shall,  
4 upon request, promptly provide copies of records, without the consent  
5 of a person, to (1) a law enforcement agency, (2) the Chief State's  
6 Attorney or [his] the Chief State's Attorney's designee or a state's  
7 attorney for the judicial district in which the child resides or in which  
8 the alleged abuse or neglect occurred or [his] the state's attorney's  
9 designee, for purposes of investigating or prosecuting an allegation of  
10 child abuse or neglect, (3) the attorney appointed to represent a child  
11 in any court in litigation affecting the best interests of the child, (4) a  
12 guardian ad litem appointed to represent a child in any court in  
13 litigation affecting the best interests of the child, (5) the Department of  
14 Public Health, which licenses any person to care for children for the  
15 purposes of determining suitability of such person for licensure, (6)

16 any state agency which licenses such person to educate or care for  
17 children pursuant to section 10-145b or 17a-101j, (7) the Governor,  
18 when requested in writing, in the course of [his] the Governor's official  
19 functions or the Legislative Program Review and Investigations  
20 Committee, the committee of the General Assembly on judiciary and  
21 the committee of the General Assembly having cognizance of matters  
22 involving children when requested in the course of such committees'  
23 official functions in writing, and upon a majority vote of said  
24 committee, provided no names or other identifying information shall  
25 be disclosed unless it is essential to the legislative or gubernatorial  
26 purpose, [and] (8) a local or regional board of education, provided the  
27 records are limited to educational records created or obtained by the  
28 state or Connecticut-Unified School District #2, established pursuant to  
29 section 17a-37, and (9) a party in a custody proceeding under section  
30 17a-112, or section 46b-129, as amended by this act, in the Superior  
31 Court where such records concern a child who is the subject of the  
32 proceeding or the parent of such child. A disclosure under this section  
33 shall be made of any part of a record, whether or not created by the  
34 department, provided no confidential record of the Superior Court  
35 shall be disclosed other than the petition and any affidavits filed  
36 therewith in the superior court for juvenile matters, except upon an  
37 order of a judge of the Superior Court for good cause shown. The  
38 commissioner shall also disclose the name of any individual who  
39 cooperates with an investigation of a report of child abuse or neglect to  
40 such law enforcement agency or state's attorney for purposes of  
41 investigating or prosecuting an allegation of child abuse or neglect.  
42 The commissioner or [his] the commissioner's designee shall, upon  
43 request, promptly provide copies of records, without the consent of the  
44 person, to (A) the Department of Public Health for the purpose of  
45 determining the suitability of a person to care for children in a facility  
46 licensed under sections 19a-77 to 19a-80, inclusive, 19a-82 to 19a-87,  
47 inclusive, and 19a-87b, and (B) the Department of Social Services for  
48 determining the suitability of a person for any payment from the  
49 department for providing child care.

50 Sec. 2. Subsection (a) of section 17a-101k of the general statutes is  
51 repealed and the following is substituted in lieu thereof:

52 (a) The Commissioner of Children and Families shall maintain a  
53 registry of the reports received pursuant to sections 17a-101a to 17a-  
54 101d, inclusive, and 17a-103, and shall adopt regulations to [permit]  
55 implement the provisions of this section, including the use of the  
56 registry on a twenty-four-hour daily basis to prevent or discover abuse  
57 of children and the establishment of a hearing process for any appeal  
58 by a person of the commissioner's determination that such person is  
59 responsible for the abuse or neglect of a child pursuant to subsection  
60 (b) of section 17a-101g. The information contained in the reports and  
61 any other information relative to child abuse, wherever located, shall  
62 be confidential subject to such statutes and regulations governing their  
63 use and access as shall conform to the requirements of federal law or  
64 regulations. Any violation of this section or the regulations adopted by  
65 the commissioner under this section shall be punishable by a fine of  
66 not more than one thousand dollars or imprisonment for not more  
67 than one year.

68 Sec. 3. Subsection (a) of section 17a-111b of the general statutes is  
69 repealed and the following is substituted in lieu thereof:

70 (a) The Commissioner of Children and Families or any other party  
71 may, at any time, petition the court for a determination on whether  
72 reasonable efforts to reunify the parent with the child are appropriate.  
73 The court shall hold an evidentiary hearing on the petition within  
74 thirty days of the filing of the petition. The court may determine that  
75 such efforts are not appropriate if the court finds upon clear and  
76 convincing evidence that: (1) The parent has subjected the child to the  
77 following aggravated circumstances: (A) The child has been  
78 abandoned as defined in subsection (j) of section 17a-112; or (B) the  
79 parent has inflicted sexual molestation or exploitation or severe  
80 physical abuse on the child or engaged in a pattern of abuse of the  
81 child; (2) the parent has killed, through deliberate, nonaccidental act,  
82 another child of the parent or a sibling of the child, or has required,

83 commanded, importuned, attempted, conspired or solicited to commit  
84 the killing of the child, another child of the parent or sibling of the  
85 child, or has committed an assault, through deliberate, nonaccidental  
86 act, that resulted in serious bodily injury of the child, another child of  
87 the parent or a sibling of the child; (3) the parental rights of the parent  
88 to a sibling have been involuntarily terminated within three years of  
89 the filing of a petition pursuant to this section, provided the  
90 commissioner has made reasonable efforts to reunify the parent with  
91 the child during a period of at least ninety days; [or] (4) the parent was  
92 convicted by a court of competent jurisdiction of sexual assault, except  
93 a conviction of a violation of section 53a-71 or 53a-73a resulting in the  
94 conception of the child; or (5) the child was placed in the care and  
95 control of the commissioner pursuant to the provisions of sections 17a-  
96 57 to 17a-61, inclusive.

97 Sec. 4. Section 17a-76 of the general statutes is repealed and the  
98 following is substituted in lieu thereof:

99 (a) Application for commitment of a mentally ill child to a hospital  
100 for mental illness shall be made to the court of probate in the district in  
101 which such child resides, or when his or her place of residence is out of  
102 state or unknown, the district in which he or she may be at the time of  
103 filing the application, except in cases where it is otherwise expressly  
104 provided by law. In any case in which the child is hospitalized under  
105 sections 17a-75 to 17a-83, inclusive, and an application for the  
106 commitment of such child is filed in accordance with the provisions of  
107 sections 17a-75 to 17a-83, inclusive, the jurisdiction shall be vested in  
108 the court of probate for the district in which the hospital where such  
109 child is a patient is located. In the event that an application has  
110 previously been filed in another court of probate with respect to the  
111 same confinement, no further action shall be taken on such previous  
112 application. Notwithstanding the provisions of section 45a-7, if the  
113 child is confined to a hospital outside the district of the court of  
114 probate in which the application for [his] the child's commitment was  
115 made, the judge of probate from the district where the application was  
116 filed shall have jurisdiction to hold the hearing on such commitment at

117 the hospital where such child is hospitalized. The court shall exercise  
118 jurisdiction only upon written application alleging that such child  
119 suffers from a mental disorder and is in need of treatment. Such  
120 application may be made by any person, and shall include the name  
121 and address of the hospital for mental illness to which the child's  
122 commitment is being sought and shall include the name, address and  
123 telephone number of any attorney appointed for the child by the  
124 Superior Court pursuant to section 46b-129, as amended by this act.

125 (b) Any application for commitment of any child under sections 17a-  
126 75 to 17a-83, inclusive, shall be transferred from the court of probate  
127 where it has been filed to the superior court of appropriate venue upon  
128 motion of any legal party except the petitioner.

129 (c) The motion for such transfer shall be filed with the court of  
130 probate prior to the beginning of any hearing on the merits. The  
131 moving party shall send copies of such motion to all parties of record.  
132 The court shall grant such motion the next business day after its receipt  
133 by the court. Immediately upon granting the motion, the clerk of the  
134 court shall transmit by certified mail the original file and papers to the  
135 superior court having jurisdiction. All parties to the proceeding shall  
136 be notified of the date on which the file and papers were transferred.

137 (d) The court of probate shall appoint an attorney for such child  
138 from the panel of attorneys established by subsection (b) of section  
139 17a-498 on the next business day after receipt of the application, and as  
140 soon as reasonably possible shall appoint physicians as required under  
141 section 17a-77, which appointments shall remain in full force and effect  
142 notwithstanding the fact that the matter has been transferred to the  
143 Superior Court.

144 (e) On any matter not transferred to the Superior Court in  
145 accordance with this section, upon the motion of the child for whom  
146 application has been made, or his or her counsel, or the judge of  
147 probate having jurisdiction over such application, filed not later than  
148 three days prior to any hearing scheduled on such application, the

149 Probate Court Administrator shall appoint a three-judge court from  
150 among the several judges of probate to hear such application. Such  
151 three-judge court shall consist of at least one judge who is an attorney  
152 at law admitted to practice in this state. The judge of the court of  
153 probate having jurisdiction over such application under the provisions  
154 of this section shall be a member, provided such judge may disqualify  
155 himself or herself in which case all three members of such court shall  
156 be appointed by the Probate Court Administrator. Such three-judge  
157 court when convened shall have all the powers and duties set forth  
158 under sections 17a-75 to 17a-83, inclusive, and shall be subject to all of  
159 the provisions of law as if it were a single-judge court. No such child  
160 shall be involuntarily hospitalized without the vote of at least two of  
161 the three judges convened under the provisions of this section. The  
162 judges of such court shall designate a chief judge from among their  
163 members. All records for any case before the three-judge court shall be  
164 maintained in the court of probate having jurisdiction over the matter.

165 Sec. 5. Subsection (b) of section 17a-101i of the general statutes is  
166 repealed and the following is substituted in lieu thereof:

167 (b) After an investigation has been completed and the  
168 Commissioner of Children and Families, based upon the results of the  
169 investigation, has reasonable cause to believe that a child has been  
170 abused by a staff member of a public or private institution or facility  
171 providing care for children or private school, the commissioner shall  
172 notify the executive director of such institution, school or facility and  
173 shall provide records, whether or not created by the department  
174 concerning such investigation to such executive director. Such  
175 institution, school or facility may suspend such staff person. Such  
176 suspension shall be with pay and shall not result in diminution or  
177 termination of benefits to such employee. Such suspension shall  
178 remain in effect until the incident of abuse has been satisfactorily  
179 resolved by the employer of the staff person. If such staff member has  
180 a professional license or certification issued by the state, the  
181 commissioner shall forthwith notify the state agency responsible for  
182 such license or certification of the staff member and provide records,

183 whether or not created by the department, concerning such  
184 investigation.

185 Sec. 6. Subsection (j) of section 46b-129 of the general statutes is  
186 repealed and the following is substituted in lieu thereof:

187 (j) Upon finding and adjudging that any child or youth is uncared-  
188 for, neglected or dependent, the court may commit [him] such child or  
189 youth to the Commissioner of Children and Families. [for a maximum  
190 period of twelve months, unless such period is extended in accordance  
191 with the provisions of subsection (k) of this section] Such commitment  
192 shall remain in effect until further order of the court pursuant to the  
193 provisions of subsection (k) of this section, as amended by this act,  
194 provided such commitment [or any extension thereof] may be revoked  
195 or parental rights terminated at any time by the court, or the court may  
196 vest such child's or youth's care and personal custody in any private or  
197 public agency which is permitted by law to care for neglected,  
198 uncared-for or dependent children or youth or with any person or  
199 persons found to be suitable and worthy of such responsibility by the  
200 court. The court shall order specific steps which the parent must take  
201 to facilitate the return of the child or youth to the custody of such  
202 parent. The commissioner shall be the guardian of such child or youth  
203 for the duration of the commitment, provided the child or youth has  
204 not reached the age of eighteen years or, in the case of a child or youth  
205 in full-time attendance in a secondary school, a technical school, a  
206 college or a state-accredited job training program, provided such child  
207 or youth has not reached the age of twenty-one, by consent of such  
208 youth, or until another guardian has been legally appointed, and in  
209 like manner, upon such vesting of [his] the care of such child or youth,  
210 such other public or private agency or individual shall be the guardian  
211 of such child or youth until [he] such child or youth has reached the  
212 age of eighteen years or, in the case of a child or youth in full-time  
213 attendance in a secondary school, a technical school, a college or a  
214 state-accredited job training program, until such child or youth has  
215 reached the age of twenty-one years or until another guardian has  
216 been legally appointed. Said commissioner may place any child or

217 youth so committed to [him] the commissioner in a suitable foster  
218 home or in the home of a person related by blood to such child or  
219 youth or in a licensed child-caring institution or in the care and  
220 custody of any accredited, licensed or approved child-caring agency,  
221 within or without the state, provided a child shall not be placed  
222 outside the state except for good cause and unless the parents of such  
223 child are notified in advance of such placement and given an  
224 opportunity to be heard, or in a receiving home maintained and  
225 operated by the Commissioner of Children and Families. In placing  
226 such child or youth, said commissioner shall, if possible, select a home,  
227 agency, institution or person of like religious faith to that of a parent of  
228 such child or youth, if such faith is known or may be ascertained by  
229 reasonable inquiry, provided such home conforms to the standards of  
230 said commissioner and the commissioner shall, when placing siblings,  
231 if possible, place such children together. As an alternative to  
232 commitment, the court may place the child in the custody of the parent  
233 or guardian with protective supervision by the Commissioner of  
234 Children and Families subject to conditions established by the court.

235 Sec. 7. Subsection (k) of section 46b-129 of the general statutes is  
236 repealed and the following is substituted in lieu thereof:

237 [(k) (1) Ten months after the adjudication of neglect of the child or  
238 youth or twelve months after the vesting of temporary care and  
239 custody pursuant to subsection (b) of this section]

240 (k) (1) Nine months after placement of the child or youth in the care  
241 and custody of the commissioner pursuant to a voluntary placement  
242 agreement, or removal of a child or youth pursuant to section 17a-101g  
243 or an order issued by a court of competent jurisdiction, whichever is  
244 earlier, the commissioner shall file a motion for review of a  
245 permanency plan and to [extend] maintain or revoke the commitment.  
246 [Ten] Nine months after a permanency plan has been approved by the  
247 court pursuant to this subsection, [unless the court has approved  
248 placement in long-term foster care with an identified person or an  
249 independent living program, or the commissioner has filed a petition



250 for termination of parental rights or motion to transfer guardianship,]  
251 the commissioner shall file a motion for review of the permanency  
252 plan and to [extend] maintain or revoke the commitment. Any party  
253 seeking to oppose the commissioner's permanency plan or the  
254 maintaining or revocation of commitment shall file a motion in  
255 opposition within thirty days after the filing of the commissioner's  
256 motion for review of the permanency plan and to maintain or revoke  
257 commitment. A permanency hearing on any [such] motion for review  
258 of the permanency plan and to maintain or revoke commitment shall  
259 be held within [sixty] ninety days of the filing of such motion. The  
260 court shall hold evidentiary hearings in connection with any contested  
261 motion for review of the permanency plan and to maintain or revoke  
262 commitment. The burden of proof shall be upon the commissioner to  
263 establish that the commitment should be maintained. After the initial  
264 permanency hearing, subsequent permanency hearings shall be held  
265 not less frequently than every twelve months while the child or youth  
266 remains in the custody of the Commissioner of Children and Families.  
267 The court shall provide notice to the child or youth, and [his] the  
268 parent or guardian of such child or youth of the time and place of the  
269 court hearing on any such motion not less than fourteen days prior to  
270 such hearing.

271 (2) At [such] a permanency hearing held in accordance with the  
272 provisions of subdivision (1) of this subsection, the court shall  
273 determine whether it is appropriate to continue to make reasonable  
274 efforts to reunify the child or youth with the parent, unless the court  
275 has previously determined that such efforts are not appropriate  
276 pursuant to this subdivision or section 17a-111b. In making this  
277 determination, the court shall consider the best interests of the child,  
278 including the child's need for permanency. If the court finds upon clear  
279 and convincing evidence that further efforts are not appropriate, the  
280 commissioner has no duty to make further efforts to reunify the child  
281 or youth with the parent. If the court finds that further efforts are  
282 appropriate, such efforts shall ensure that the child or youth's health  
283 and safety are protected and such efforts shall be specified by the

284 court, including the services to be provided to the parent, what steps  
285 the parent may take to address the problem that prevents the child or  
286 youth from safely reuniting with the parent and a time period, not  
287 longer than six months, for such steps to be accomplished.

288 (3) At [such] a permanency hearing held in accordance with the  
289 provisions of subdivision (1) of this subsection, the court shall approve  
290 a permanency plan that is in the best interests of the child or youth and  
291 takes into consideration the [child] child's or youth's need for  
292 permanency. The child's or youth's health and safety shall be of  
293 paramount concern in formulating such plan. Such permanency plan  
294 may include the goal of (A) revocation of commitment and placement  
295 of the child or youth with the parent or guardian, with or without  
296 protective supervision; [(B) placing the child or youth in an  
297 independent living program; (C)] (B) transfer of guardianship; [(D)  
298 approval of] (C) long-term foster care with [an identified foster parent;  
299 (E)] a relative licensed as a foster parent or certified as a relative  
300 caregiver; (D) adoption and filing of termination of parental rights; [(F)  
301 if the permanency plan identifies adoption as an option, a thorough  
302 adoption assessment and child specific recruitment. As used in this  
303 subdivision, "thorough adoption assessment" means conducting and  
304 documenting face-to-face interviews with the child, foster care  
305 providers, and other significant parties and "child specific recruitment"  
306 means recruiting an adoptive placement targeted to meet the  
307 individual needs of the specific child, including, but not limited to, use  
308 of the media, use of photo-listing services and any other in-state or  
309 out-of-state resources that may be used to meet the specific needs of  
310 the child, unless there are extenuating circumstances that indicate that  
311 these efforts are not in the best interest of the child; or (G)] or (E) such  
312 other [appropriate action] planned permanent living arrangement  
313 ordered by the court, provided the Commissioner of Children and  
314 Families has documented a compelling reason why it would not be in  
315 the best interest of the child or youth for the permanency plan to  
316 include the goals in subparagraphs (A) to (D), inclusive, of this  
317 subdivision. Such other planned permanent living arrangement may

318 include, but not be limited to, placement of a child or youth in an  
319 independent living program or long term foster care with an identified  
320 foster parent.

321 (4) At [the] a permanency [plan] hearing held in accordance with  
322 the provisions of subdivision (1) of this subsection, the court shall  
323 review the status of the child, the progress being made to implement  
324 the permanency plan, [and] determine a timetable for attaining the  
325 permanency [prescribed by the] plan and determine whether the  
326 commissioner has made reasonable efforts to achieve the permanency  
327 plan. The court shall [extend] maintain commitment if [extension] it is  
328 in the best interests of the child or youth. [for a period of twelve  
329 months.] The court shall revoke commitment if a cause for  
330 commitment no longer exists and it is in the best interests of the child  
331 or youth.

332 Sec. 8. Subsection (o) of section 46b-129 of the general statutes is  
333 repealed and the following is substituted in lieu thereof:

334 (o) A foster parent shall have [standing] the right to be heard for the  
335 purposes of this section in Superior Court in matters concerning the  
336 placement or revocation of commitment of a foster child living with  
337 such parent. A foster parent shall receive notice of any motion to  
338 revoke commitment or any hearing on such motion. A foster parent  
339 who has cared for a child or youth for not less than six months shall  
340 have [standing to] the right to be heard and comment on the best  
341 interests of such child or youth in any matter under this section which  
342 is brought not more than one year after the last day the foster parent  
343 provided such care.

344 Sec. 9. Section 17a-42 of the general statutes is repealed and the  
345 following is substituted in lieu thereof:

346 (a) There is established within the Department of Children and  
347 Families a photo-listing service which shall include, but need not be  
348 limited to, a book and an electronic format containing a photograph  
349 and description of each child to be photo-listed. Such book and its

350 electronic format shall be distributed to all child care and child-placing  
351 agencies, as such terms are defined in section 45a-707, and to other  
352 organizations concerned with adoption. Such photo-listing service  
353 shall recruit adoptive families for children who are legally free for  
354 adoption under section 45a-725, and have remained in foster care or  
355 institutions for a period of thirty days or more, such thirty days to  
356 include any period of foster or institutional care immediately  
357 preceding the date on which such child was legally free for adoption.  
358 Such photo-listing service may recruit prospective adoptive families  
359 for children who are not yet legally free for adoption under section  
360 45a-725, provided the court has approved a permanency plan for  
361 adoption pursuant to subdivision (3) of subsection (k) of section 46b-  
362 129, as amended by this act. The Commissioner of Children and  
363 Families shall employ under [his] the commissioner's direction and  
364 control such persons as [he] the commissioner deems necessary for the  
365 effective performance of such photo-listing service.

366 (b) Under sections 17a-112 and 45a-717, the court may order that a  
367 child be photo-listed within thirty days of the termination of parental  
368 rights as a condition of granting an order of termination of parental  
369 rights if the court determines that it is in the best interests of the child.  
370 Under subdivision (3) of subsection (k) of section 46b-129, as amended  
371 by this act, the court may order that a child be photo-listed within  
372 thirty days of the approval of a permanency plan for adoption if the  
373 court determines that it is in the best interest of the child. The court  
374 shall not order that a child twelve years of age or older be photo-listed  
375 unless such child consents to such photo-listing.

376 (c) Said commissioner shall adopt regulations, in accordance with  
377 the provisions of chapter 54, to implement and maintain a photo-  
378 listing service. Such regulations shall include, but not be limited to,  
379 procedures for registration of children with the photo-listing service  
380 and format and media selection for presenting photo-listed children to  
381 the public. The commissioner shall, within available appropriations,  
382 establish, maintain and distribute a photo-listing service book. The  
383 commissioner, within available appropriations, shall contract with a

384 nonprofit agency to establish and maintain the photo-listing service in  
385 its electronic format.

386 Sec. 10. Subsection (d) of section 17a-10 of the general statutes is  
387 repealed and the following is substituted in lieu thereof:

388 (d) If the Superior Court requests a report on any committed child,  
389 the commissioner shall be responsible for preparing and transmitting  
390 such report to the requesting court. Not more than sixty days nor less  
391 than thirty days prior to the expiration of the original commitment of  
392 any child to the department, the commissioner may [petition the court]  
393 file a motion for an extension of commitment pursuant to the  
394 provisions of section 46b-141, as amended by this act. If the  
395 commissioner, or the board of review pursuant to the provisions of  
396 section 17a-15, at any time during the commitment of any child,  
397 determines that termination of commitment of a child is in the best  
398 interest of such child, the commissioner or the board may terminate  
399 the commitment and such termination shall be effective without  
400 further action by the court.

401 Sec. 11. Section 17a-114 of the general statutes, as amended by  
402 substitute house bill 6967 of the current session, is repealed and the  
403 following is substituted in lieu thereof:

404 (a) No child in the custody of the Commissioner of Children and  
405 Families shall be placed with any person, unless such person is  
406 licensed by the department for that purpose. Any person licensed by  
407 the department to accept placement of a child is deemed to be licensed  
408 to accept placement as a foster family or prospective adoptive family.  
409 The commissioner shall adopt regulations, in accordance with the  
410 provisions of chapter 54, to establish the licensing procedures and  
411 standards.

412 (b) Notwithstanding the requirements of subsection (a) of this  
413 section, the commissioner may place a child with a relative who is not  
414 licensed for a period of up to ninety days when such placement is in  
415 the best interests of the child, provided a satisfactory home visit is

416 conducted, a basic assessment of the family is completed and such  
417 relative attests that such relative and any adult living within the  
418 household have not been convicted of a crime or arrested for a felony  
419 against a person, for injury or risk of injury to or impairing the morals  
420 of a child, or for the possession, use or sale of a controlled substance.  
421 Any such relative who accepts placement of a child in excess of such  
422 ninety-day period shall be subject to licensure by the commissioner,  
423 except that any such relative who, prior to July 1, 2001, had been  
424 certified by the commissioner to provide care for a related child may  
425 continue to maintain such certification if such relative continues to  
426 meet the regulatory requirements and the child remains in such  
427 relative's care. The commissioner may grant a waiver, for a child  
428 placed with a relative, on a case-by-case basis, from such procedure or  
429 standard, except any safety standard, based on the home of the relative  
430 and the needs and best interests of such child. The reason for any  
431 waiver granted shall be documented. The commissioner shall adopt  
432 regulations, in accordance with the provisions of chapter 54, to  
433 establish certification procedures and standards for a caretaker who is  
434 a relative of such child.

435 [(b)] (c) The Commissioner of Children and Families, when  
436 conducting any criminal history records check, shall arrange for the  
437 fingerprinting or for the conducting of any other method of positive  
438 identification required by the State Police Bureau of Identification or  
439 the Federal Bureau of Identification. The fingerprints and other  
440 positive identifying information shall be forwarded to the State Police  
441 Bureau of Identification, which shall conduct a state criminal history  
442 records check and submit the fingerprints or other identifying  
443 information to the Federal Bureau of Investigation for a national  
444 criminal history records check. The commissioner shall also check the  
445 state child abuse registry established pursuant to section 17a-101k for  
446 the name of such applicant or licensee.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Indeterminate Revenue Loss Avoidance

**Affected Agencies:** Department of Children and Families, Judicial Department, Office of the Attorney General, Probate Court

**Municipal Impact:** None

**Explanation****State Impact:**

It is anticipated that the Department of Children and Families (DCF) can comply with Section 1 of the bill, which adds additional circumstances under which the agency is required to transmit copies of otherwise confidential records, within its normally budgeted resources.

Section 2 requires DCF to adopt regulations to establish a process whereby persons who are substantiated as a perpetrator of child abuse or neglect are given an opportunity to contest the finding. This renders statute consistent with federal law, and conforms to current agency practice. The department will be able to develop proposed regulations within its anticipated budgetary resources.

Section 3 allows any party other than DCF to petition the Superior Court for a determination on whether reasonable efforts to reunify a child and their parent are appropriate. The court must hold an

evidentiary hearing on such petition within thirty days of its filing. It is anticipated that any additional hearings can be accommodated within the normally budgeted resources of DCF, the Office of the Attorney General and the Judicial Department.

Section 4 requires additional information to be provided on an application to the Probate Court for commitment of a child due to mental illness. This can be accommodated within the court's anticipated budgetary resources.

Section 5 requires DCF to notify and provide records of an investigation of alleged child abuse by a staff member of a child caring facility, institution or school, to a state agency that issued the individual's professional license or certificate. It is assumed that the number of such incidents will be minimal in number and that DCF can provide these records within its normally budgeted resources. Any resulting investigations or disciplinary actions taken by state licensing agencies will be done in accord with each specific agency's regulatory authority and can be accommodated within their normal workloads.

Section 6 (Section 7 of House Amendment "A") shortens the length of time that DCF has in which to file a motion for review of a permanency plan and eliminates mandatory annual hearings on the extension of a commitment of a child. It is anticipated that both the department and the Office of the Attorney General will be able to comply with the shortened timeframes within their anticipated budgetary resources. A workload decrease will result from eliminating separate extension hearings.

Sections 7 and 8 (Sections 8 and 9 of House "A") lengthen from sixty to ninety days the time in which the court must hold hearings to review a permanency plan and/or maintain or revoke a commitment; (2) grants the right to opposing parties to submit motions in opposition within thirty days of the department's filing of its motion (in these cases the court is required to hold evidentiary hearings in which the burden of proof is upon DCF to establish that commitment should be



maintained); and (3) modifies current law, which extends legal standing to foster parents, by instead stating that foster parents have the right to be heard at hearings. It is anticipated that the net impact of these changes can be accommodated by the court within the Judicial Department's anticipated budgetary resources.

Section 9 (Section 10 of House "A") authorizes the court to order that a child with an approved permanency plan for adoption whose parental rights have not yet been terminated be photo-listed within thirty days. The department can accommodate these requirements within its anticipated budgetary resources. The agency currently operates its own photo-listing service with in-house staff and computer resources.

Section 10 (Section 11 of House "A") makes a technical change which has no associated fiscal impact.

Finally, Section 11 (Section 12 of House "A") reinstates provisions of sSB 1094 of the current session (as amended and passed by the House and Senate) regarding the placement of children with relative caregivers. These changes conform statute regarding the licensure of relative foster homes by the Department of Children and Families (DCF) to federal law and precludes challenges to current agency practice, which is consistent with these same federal guidelines.

Certain changes in this bill conform state law to federal regulations related to the Adoption and Safe Families Act of 1997. Failure to implement these guidelines will result in assessment of an indeterminate financial penalty, based upon a federally determined "extent of non-compliance."

House "A" added Sections 6 - 12 to the bill. Their associated fiscal impacts are discussed above.

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**OLR Amended Bill Analysis**

sHB 6652 (File 589, as amended by House "A")\*

**AN ACT CONCERNING REVISIONS TO THE CHILD PROTECTION LAWS.****SUMMARY:**

This bill makes numerous changes in the child protection laws, several of which are required to bring Connecticut into conformity with the federal funding requirements of the Adoption and Safe Families Act. It:

1. shortens "trigger" dates for court permanency plan review hearings and requires yearly hearings for children in the Department of Children and Families' (DCF's) custody;
2. prioritizes the permanency plan options that courts can approve;
3. eliminates the requirement that DCF obtain court orders to extend the commitment of an abused and neglected child beyond 12 months and instead requires the agency to prove at each yearly permanency plan hearing that a child should remain in its custody;
4. makes "clear and convincing evidence" the standard for terminating reunification efforts in yearly permanency plan hearings, and permits a judge to rely on previous rulings that such efforts are inappropriate;
5. requires the court to determine at each permanency plan hearing whether DCF has made reasonable efforts to achieve permanency;
6. modifies the rights of foster parents to participate in permanency plan and commitment revocation proceedings;
7. requires courts to hold evidentiary hearings when any party in an abuse or neglect proceeding requests this to determine whether efforts to reunify parents and children should continue, adds

additional misconduct by the parent as grounds for terminating such efforts, and raises the level of proof required to clear and convincing evidence;

8. requires relatives accepting placement for more than 90 days of a child in the custody of DCF to be licensed as foster parents, unless DCF has certified them as relative caregivers before July 1, 2001, but allows DCF to waive some licensing procedures and standards on a case-by-case basis;
9. requires DCF, on request, to provide copies of otherwise confidential records regarding a child or his parent to any party in an abuse or neglect or termination of parental rights proceeding when the child's custody is at issue;
10. permits DCF to use its photo-listing service to recruit adoptive parents for children whose court-approved permanency plan specifies the goal of adoption;
11. requires DCF's regulations implementing its child abuse registry to include an appeals process for people challenging their inclusion in the registry;
12. requires the DCF commissioner to notify, and provide its investigatory records to, state licensing or certification agencies whenever it determines that a licensed or certified school employee or staff member of a facility caring for children has abused a child; and
13. requires probate court applications to commit children with mental illness to include the name, address, and phone number of the child's attorney, if one has been appointed to represent him in an abuse or neglect proceeding.

\*House Amendment "A" adds the permanency plan, court hearing, and photo-listing provisions and delays the effective date of relative caregiver licensing mandated by PA 01-70.

EFFECTIVE DATE: October 1, 2001

**SHORTENED "TRIGGER" DATES FOR ABUSE, NEGLECT, AND VOLUNTARY PLACEMENT HEARINGS**

Federal law requires that state foster care agencies obtain court review and approval of permanency plans within one year of a child's first entry into the foster care system, and at least yearly thereafter (42 USC § 675(5)(C)). Under the bill, DCF must file motions for review of permanency plans by nine months after taking custody under a voluntary placement agreement, emergency removal from the home, or court order, whichever is earliest. The Juvenile Court must hold hearings within 90 days of the filing. DCF must file subsequent motions within nine months of the plan approval hearing, and the court must hear these motions within 90 days thereafter. The combined effect of these deadlines is to complete permanency plan reviews for all of these children at least every 12 months.

Currently, DCF must make such filings only for abused and neglected children. It must file the first motion by the earlier of 10 months after a court finding of abuse or neglect or 12 months after it first removed a child from his home on an emergency basis. Court hearings must be held within 60 days. These timetables may result in some children being in DCF custody for more than a year without a court-approved permanency plan.

Current law requires subsequent yearly review hearings, triggered by DCF filing motions 10 months after every hearing. But it exempts cases in which (1) the court has approved a permanency plan for placement in long-term foster care with an identified person or independent living program or (2) DCF has filed a petition to terminate parental rights or a Probate Court motion to transfer guardianship. The bill reduces the filing period to nine months and eliminates the exceptions.

## **PRIORITIZED PERMANENCY PLAN OPTIONS AND CONTESTED HEARINGS**

### ***Preferred Options***

As required by federal law, the bill establishes a preference for one of the following existing permanency goals: (1) revocation of commitment and placement with a parent or guardian, with or without protective supervision; (2) transfer of guardianship; (3) adoption; or (4) long-term foster care with a licensed or certified relative caregiver (the federal law requires relatives to be licensed in

the same manner as other foster parents (42 USC § 671(a)(10)).

Currently, permanency goals can also include placing the child or youth in an independent living program and long-term foster care with an identified foster parent (not necessarily a relative). Under the bill, the court cannot approve these or any other “planned permanent living arrangements” unless DCF establishes a compelling reason why one of the preferred placements is not in the child’s best interest. This is consistent with federal requirements (42 USC § 675(5)(C)).

The bill makes the health and safety of an abused or neglected child the paramount concern in formulating a permanency plan, another federal requirement (42 USC § 671(15)(A)). As under current law, courts must approve plans that are in the child’s best interests and consider the child’s need for permanency.

### ***Participation of Children, Parents, and Foster Parents***

The bill requires any party opposing the commissioner’s permanency plan or the maintenance or revocation of a DCF commitment to file a motion with the court within 30 days of DCF’s filing its motion for review. When the plan is contested, the court must allow parties to introduce evidence at the hearing. The bill specifies that DCF has the burden of proving that the commitment should be maintained.

The bill eliminates “standing” of a child’s current foster parents in matters concerning the child’s placement or revocation of commitment, and instead gives them the right to be heard. It also eliminates the “standing” of recent foster parents to comment on the best interests of a child who had been in their care for at least six months at all abuse and neglect proceedings. Instead, they have the right to be heard and to comment on the child’s best interests.

### **COURT REUNIFICATION HEARINGS**

The bill requires courts hearing abuse and neglect cases to hold evidentiary hearings within 30 days of any party’s request for a determination of whether DCF must continue its efforts to reunify a parent and a child in its custody.

The bill also adds the following as parental actions (“aggravating factors”) that may serve as the basis for a judge’s decision that further

reunification efforts are inappropriate:

1. deliberately killing or seriously injuring another one of their children (currently only such actions against the child's siblings are covered) or
2. voluntarily surrendering to emergency nurses, within 30 days of birth, the child who is the subject of the reunification efforts.

The bill requires proof of all aggravating factors by clear and convincing evidence.

Currently, only DCF can initiate such proceedings. There is no evidentiary hearing requirement, heightened standard of proof, or time limit within which the court must act on such issues. Grounds that can support a court's determination that further reunification efforts are unnecessary currently include parental abandonment, sexual molestation, or severe physical abuse of the child; involuntary termination of rights to another child; and some sexual assault convictions.

## **PHOTO-LISTING**

The bill permits courts to order DCF to use its photo-listing service to recruit adoptive parents when they approve permanency plans with the goal of adoption for children who are not yet legally free for adoption. This provision already applies in termination of parental rights cases. By law, the listing cannot occur until 30 days after the court's approval of the plan. The judge must determine that photo-listing is in the child's best interest, and children over age 12 must consent.

## **REGULATIONS**

The bill requires DCF to adopt regulations establishing appeals hearing procedures for people who challenge the agency's inclusion of them in its child abuse registry. DCF makes these determinations after investigating abuse or neglect reports. The agency currently has regulations governing the use and operation of the registry but no regulatory procedure for resolving disputes over information it contains.

By law, DCF includes abuse determinations in its records and must disclose them, upon request, to (1) law enforcement agencies; (2) prosecutors; (3) a child's court-appointed attorney and guardian ad litem (a person representing the child's best interests); (4) the Department of Public Health, which licenses childcare workers, and the Department of Social Services, which subsidizes child care for some low-income children; and (5) local boards of education.

Violators of these regulations must be fined up to \$1,000 or imprisoned for up to one year.

## **BACKGROUND**

### ***Related Act***

PA 01-70 requires relatives accepting placement for more than 90 days of a child in DCF custody to be licensed as foster parents, unless DCF has certified them as relative caregivers by July 1, 2001. If they were previously certified, the act allows them to maintain this certification as long as the child remains with them and they continue to meet regulatory requirements. It also (1) allows the commissioner, on a case-by-case basis, for a child placed with a relative, to waive any foster-care licensing procedure or standard, other than a safety standard, based on the home of the relative and the child's needs and best interests and (2) requires documentation of the reason for a waiver.

This bill, as amended by House "A" has the effect of delaying the implementation of these provisions from July 1, to October 1, 2001.

### ***Related Bills***

sHB 6891, reported favorably by the Judiciary Committee, contains several of the provisions added to this bill in House "A".

sHB 6967 (File 240) contains provisions relating to permanency plans reviews and relative caregiver licensing exemptions. It passed the House as amended by House "A" (File 806) on May 22. House "A" eliminates permanency plan reviews caregiver licensing exemptions and mandates criminal background checks for all foster parent applicants and adult household members.

### ***Legislative History***

The House referred the bill to the Human Services Committee on May 8 and to the Education Committee on May 14. The committees reported the bill favorably without changes on May 9 and May 16, respectively.

**COMMITTEE ACTION**

## Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 0

## Human Services Committee

Joint Favorable Report

Yea 15 Nay 1

## Education Committee

Joint Favorable Report

Yea 28 Nay 0